

## **II. Remarks/Arguments**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1 to 9 are pending in this application. Claim 1 is independent.

Claims 1, 2, 6 and 7 have been amended to define clearly the applicants invention.

In the Office Action, the Examiner has objected to former claims 1 to 7 under 35 U.S.C. §112, stating that these claims fail to set forth the subject matter which applicants regard as their invention. Applicants respectfully submit that the claims as amended clearly define the invention and are fully compliant with 35 U.S.C. §112.

The Examiner has objected to former claims 1 to 3, 6 and 7 under 35 U.S.C. §102(b) in light of U.S. Patent No. 4,764,409 to Freeman (“Freeman”). The Examiner is alleging that the Applicants’ invention as defined by these former claims is clearly disclosed in the Freeman reference. The Examiner has objected to former claims 4 and 5 under 35 U.S.C. §103(a) in view of the Freeman reference in light of U.S. Patent No. 6,003,274 to Wycech and in further view of Thornton *et al.*, “Fundamentals of Engineering Materials”, p.441. The Examiner is alleging that the invention as defined by these claims would have been obvious to a person skilled in the art at the date of invention in view of the combined teachings of these references. Applicants respectfully submit that the Examiner’s objections to these claims are no longer appropriate for the reasons set forth below.

In one aspect of the Applicants’ invention as defined by independent claim 1, Applicants provide a diffuser for a distribution system for use in a pastillation machine, the distribution system including a distribution bar having a bore therethrough, the bore having a longitudinal bore surface. The diffuser comprises an elongate body sized to fit into the bore of the distribution bar. The elongate body has a longitudinal portion between a pair of ends. Centerers extend solely from the longitudinal portion for engaging the bore surface. The centerers maintain the elongate body generally spaced from the bore surface of the bore of the distribution bar of the distribution system to permit the flow of fluid around the longitudinal portion of the elongate body.

Neither Freeman, Wycech nor Thornton *et al.*, either alone or in combination, teach or suggest an elongate body having centerers extending solely from the longitudinal portion thereof

that permit the flow of fluid around said longitudinal portion of said elongate body.

Freeman discloses a rectangular metallic insert for reinforcement that has a series of tabs extending outwardly from all edges of the insert.

Wycech discloses a reinforcement member that has metal tabs projecting from the longitudinal sides thereof. The metal tabs cooperatively form a v-shaped recess into which foam is injected to bind the reinforcement member to the structural member. As can be seen in Figures 5 and 9 to 12, the tabs provide a barrier for containing the foam and do not space the elongate body of the reinforcement member to permit the flow of fluid around the longitudinal portion of the elongate body.

Thornton *et al.* disclose the use of 316 stainless steel as a standard stainless steel.

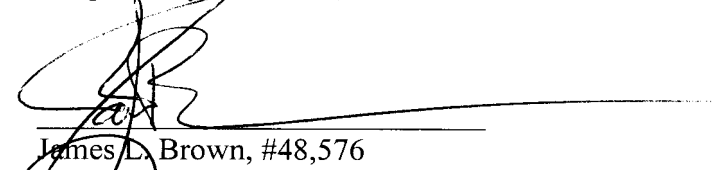
Further, Applicants respectfully submit that it is entirely inappropriate for the Examiner to suggest that one skilled in the art would be aware of Freeman and Wycech, which are directed to reinforcement members, and would combine the teachings of these references to arrive at the invention as defined by the claims.

Accordingly, Applicants respectfully submit that independent claim 1 distinguishes patentably over the cited prior art and should therefore be allowed. As claims 2 to 9 depend either directly or indirectly on independent claim 1, which is deemed allowable, Applicants respectfully submit that these claims also distinguish patentably over the cited prior art and should therefore be allowed.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Respectfully submitted,

Date: 6/27/06

  
James L. Brown, #48,576  
Swanson & Bratschun, LLC  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
303.268.0066, 303.268.0065 (FAX)